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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/577,054

04/24/2006

Kim Bager

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EXAMINER

CHAPMAN, GINGER T

ART UNIT

PAPER NUMBER

3761

MAIL DATE

DELIVERY MODE

07/09/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/577,054	Applicant(s) BAGER ET AL.	
	Examiner Ginger T. Chapman	Art Unit 3761	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 April 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 and 14-23 is/are pending in the application.
- 4a) Of the above claim(s) 1-6,9 and 11 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 7,8,10 and 14-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 June 2009 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12 April 2010 has been entered.

Status of the Claims

2. Claim 23 is added, claim 17 is amended, claims 1-11 and 14-23 are pending in the application, claims 1-6, 9 and 11 are withdrawn from consideration as being drawn to a nonelected invention, claims 7-8, 10 and 14-23 are examined on the merits.

Response to Arguments

3. **With respect to the nonstatutory obviousness-type double patenting rejection:**

4. Applicant's arguments filed 12 April 2010 have been fully considered but they are not persuasive. Applicant argues the following:

5. with respect to the obviousness-type double patenting rejection as being unpatentable over claim 13 of US Patent No. 7,244,482 B2; co-pending applications serial numbers 11/578,366 (US 2008/0176023 A1) and 11/826,266 (US 2007/0262479 A1); Applicant submits that Terminal Disclaimers to obviate the rejections are filed contemporaneously with the Response is filed thereby disclaiming the terminal part of the statutory term which would extend beyond the expiration date of the above noted patent and any patent granted on the above noted applications.

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6. This argument is not persuasive for the reasons noted *infra* under the heading “Terminal Disclaimer”, specifically, the Terminal Disclaimer is disapproved as improper because the person who filed the Terminal Disclaimer does not have power of attorney and thus is not of record, see FP 14.29.01.

7. Accordingly, the examiner maintains the double patenting rejections of the rejected claims.

8. Applicant’s arguments, see Remarks, page 1, filed 12 April 2010, with respect to the prior art rejection of the claims under 35 USC § 103(a) as unpatentable over Leisner et al (US 2003/0093042 A1) have been fully considered and are persuasive. The rejection of the claims has been withdrawn.

9. In particular, Applicant argues that independent claim 7 has been amended and claim 23 is added to recite the limitation of the body side mounting wafer comprising one or more welds formed at one or more welding zones between the second surfaces of the first part and the second part such that the second surfaces melt and the first surfaces do not melt, as supported by the instant Specification as filed at page 3, lines 3-9 and in Figure 5.

10. This argument is persuasive, the examiner notes and makes of record Nakamata (US 4,636,609) teaching at column 2, lines 29-51, that first and second parts having first and second surfaces adapted to be attached by welds formed between the surfaces to be attached can comprise a first type of synthetic resin and a second type of synthetic resin such that the second type of resin can transmit the laser beam and the first type of resin can store up the heat from the laser beam such that the first contact surface of the first type of resin and the second contact surface of the second type of resin are melted by the heat stored up in the first type of resin to

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join the first contact surface of the first type of resin to the second contact surface of the second type of resin.

11. Nakamata further teaches at column 5, lines 30-68 and column 6, lines 21 that the first type of synthetic resin can be reinforced with percentages by weight of glass filler, metal filler or carbon fillers such that when the contact surfaces are exposed to the laser beam, the contact surfaces transmit and store heat and thereby melt the surfaces, however the glass, metal or carbon fillers cannot be melted by the heat and the fillers therefore float in the synthetic resin melted on the contact surfaces because the fillers have a higher melting point than the synthetic resins resulting in the fibers of the filler have ends in the first plate and opposite ends in the second plate thereby the filler connects the surface of the first plate to the surface of the second plate. Thus, although Nakamata teaches filler(s) positioned between the contact surfaces of the plates such that the filler(s) do not melt, both of the contact surfaces of both the plates do melt.

12. Accordingly, the previous rejection of the claims under 35 USC 103(a) as being unpatentable over Leisner has been withdrawn in view of the amendments to the claims.

Specifically the addition of the limitations reciting that the second surfaces melt and the first surfaces do not melt has forced the withdrawal of this reference.

Double Patenting

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the “right to exclude” granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re*

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Vogel, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

13. Claims 7, 16 and 23 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 13 of U.S. Patent No. 7,244,482 B2. Although the conflicting claims are not identical, they are not patentably distinct from each other because the issued claims are drawn to the substantially identical structure recited in terms of the laser welded surfaces being capable of absorbing laser light.

14. Claims 7, 16 and 23 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 34 of copending Application No. 11/578,366 (US 20080176023 A1). Although the conflicting claims are not identical, they are not patentably distinct from each other because the instant and co-pending claims are drawn to the substantially identical structure with the laser weld described in terms of the absorption coefficient of the surfaces which are welded.

15. This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

16. Claims 7, 16 and 23 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 36 of copending Application No. 11/826,266 (US 20070262479 A1). Although the conflicting claims are not identical, they are not patentably distinct from each other because the instant and co-pending

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claims are drawn to the substantially identical structure with the welded surfaces described as welded layers.

17. This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Conclusion

18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Nakamata (US 4,636,609), see paragraphs 10-11, *supra*.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ginger T. Chapman whose telephone number is (571)272-4934. The examiner can normally be reached on Monday through Friday 9:30 a.m. to 6:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tatyana Zalukaeva can be reached on (571) 272-1115. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ginger T Chapman/

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Examiner, Art Unit 3761

06/30/10

/Tatyana Zalukaeva/

Supervisory Patent Examiner, Art Unit 3761